



# Journal of the House

State of Indiana

115th General Assembly

First Regular Session

Second Meeting Day

Monday Afternoon

January 8, 2007

The House convened at 1:00 p.m. with Speaker B. Patrick Bauer in the Chair.

The Speaker stated, "Having conferred with the Attorney General and no objection raised, the temporary House policy while the prayer lawsuit is pending in the courts will be a scripted prayer.

The Speaker read a prayer for guidance and insight: "Almighty God, we come before you today humbled by the magnitude of the responsibilities of this office.

May you help us to realize that those who have been given the greatest responsibility need the greatest guidance.

We pray you will show us what is good, and what is required of us.

We pray for your insight, your compassion, and your strength. Amen."

The Pledge of Allegiance to the Flag was led by Representative Scott E. Reske.

The Speaker ordered the roll of the House to be called:

Austin	Espich
Avery	Foley
Bardon	Friend
Battles	Frizzell
Behning	Fry
Bell	GiaQuinta
Bischoff	Goodin
Borders	Grubb
Borror	Gutwein
Bosma	E. Harris
C. Brown	T. Harris
T. Brown	Herrell
Buck	Hinkle
Buell	Hoy
Burton	Kersey
Candelaria Reardon	Klinker
Cheatham	Knollman
Cheney	Koch
Cherry	Kuzman
Cochran	L. Lawson
Crawford	Lehe
Crooks	Leonard
Crouch	Lutz
Davis	Mays
Day	McClain
Dembowski	Micon
Denbo	Moses
Dermody	Murphy
Dickinson	Neese
Dobis	Niezdowski
Dodge	Noe
Duncan	Orentlicher
Dvorak	Oxley
Eberhart	Pelath
Elrod	Pflum

Pierce  
Pond  
Porter  
Reske  
Richardson  
Ripley  
Robertson  
Ruppel  
Saunders  
M. Smith  
V. Smith  
Soliday  
Stemler  
Stevenson  
Stilwell

Stutzman  
Summers  
Thomas  
Thompson  
Tincher  
Torr  
Turner  
Tyler  
Ulmer  
VanHaaften  
Walorski  
Welch  
Whetstone  
Wolkins  
Mr. Speaker

Roll Call 2: 100 present. The Speaker announced a quorum in attendance.

## HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Tuesday, January 9, 2007 at 1:00 p.m.

SUMMERS

Motion prevailed.

## APPOINTMENT OF COMMITTEES

The Speaker announced the appointment of the following standing committees:

### Agriculture and Rural Development

Democrats: Pflum, Chair; Stemler, Vice Chair; Battles, Bischoff, Dembowski, Goodin, Grubb.

Republicans: Gutwein, Ranking Minority Member; Friend, Knollman, Lehe, Stutzman.

### Commerce, Energy and Utilities

Democrats: Crooks, Chair; Battles, Vice Chair; Denbo, Dobis, Dvorak, Robertson, Stevenson.

Republicans: Lutz, Ranking Minority Member; Behning, Frizzell, Neese, Soliday.

### Courts and Criminal Code

Democrats: Hoy, Chair; Dembowski, Vice Chair; Dvorak, L. Lawson, Porter, Tincher, VanHaaften.

Republicans: Koch, Ranking Minority Member; Elrod, Foley, Thomas, Ulmer.

### Education

Democrats: Porter, Chair; Micon, Vice Chair; Candelaria Reardon, Cheatham, Kersey, Robertson, V. Smith.

Republicans: Behning, Ranking Minority Member; Dermody, T. Harris, Noe, Thompson.

**Elections and Apportionment**

Democrats: Pierce, Chair; Oxley, Vice Chair; Avery, Dickinson, GiaQuinta, Niezgodski, Pelath.

Republicans: Lehe, Ranking Minority Member; Buell, Burton, Richardson, M. Smith.

**Environmental Affairs**

Democrats: Dvorak, Chair; Candelaria Reardon, Vice Chair; Hoy, L. Lawson, Micon, Pierce, Robertson.

Republicans: Wolkins, Ranking Minority Member; Eberhart, Lutz, Neese, Ruppel.

**Family, Children and Human Affairs**

Democrats: Summers, Chair; Day, Vice Chair; Bardon, Dickinson, Klinker, V. Smith, Welch.

Republicans: Noe, Ranking Minority Member; Bell, T. Harris, Stutzman, Walorski.

**Financial Institutions**

Democrats: Bardon, Chair; Summers, Vice Chair; Dobis, Fry, Micon, Moses, Oxley.

Republicans: Burton, Ranking Minority Member; Crouch, Duncan, Ripley, Ruppel.

**Government and Regulatory Reform**

Democrats: Stevenson, Chair; GiaQuinta, Vice Chair; Battles, Candelaria Reardon, Cheatham, Tincher, Tyler.

Republicans: Neese, Ranking Minority Member; Buck, Murphy, M. Smith, Wolkins.

**Insurance**

Democrats: Fry, Chair; Cheatham, Vice Chair; C. Brown, GiaQuinta, Herrell, Orentlicher, Porter.

Republicans: Ripley, Ranking Minority Member; Bell, Borders, Burton, Torr.

**Judiciary**

Democrats: L. Lawson, Chair; VanHaaften, Vice Chair; Bardon, Cheney, Cochran, Dvorak, Pierce.

Republicans: Foley, Ranking Minority Member; Koch, Pond, Thomas, Ulmer.

**Labor and Employment**

Democrats: Cheney, Chair; Tyler, Vice Chair; Dickinson, Herrell, Kersey, Niezgodski, Stilwell.

Republicans: Bell, Ranking Minority Member; Gutwein, Leonard, Ripley, Torr.

**Local Government**

Democrats: V. Smith, Chair; Klinker, Vice Chair; Dembowski, Denbo, GiaQuinta, Moses, Stevenson.

Republicans: Hinkle, Ranking Minority Member; Borders, Eberhart, Elrod, Saunders.

**Natural Resources**

Democrats: Bischoff, Chair; Robertson, Vice Chair; Cheatham, Grubb, L. Lawson, Pflum, Stemler.

Republicans: Ulmer, Ranking Minority Member; T. Brown, Cherry, Eberhart, Gutwein.

**Public Health**

Democrats: C. Brown, Chair; Welch, Vice Chair; Day, Fry,

Hoy, Mays, Reske.

Republicans: T. Brown, Ranking Minority Member; Crouch, Dodge, Frizzell, Lehe.

**Public Policy**

Democrats: VanHaaften, Chair; Denbo, Vice Chair; Austin, Cochran, Kuzman, Pelath, Summers.

Republicans: Whetstone, Ranking Minority Member; Lutz, Stutzman, Turner, Walorski.

**Roads and Transportation**

Democrats: Austin, Chair; Niezgodski, Vice Chair; Bischoff, Dembowski, E. Harris, Pflum, Stilwell.

Republicans: Duncan, Ranking Minority Member; Buck, Davis, Saunders, Soliday.

**Rules and Legislative Procedures**

Democrats: Pelath, Chair; Stilwell, Vice Chair; Austin, E. Harris, Kuzman, Oxley.

Republicans: Whetstone, Ranking Minority Member; Borrer, Foley, Turner.

**Small Business and Economic Development**

Democrats: Orentlicher, Chair; Mays, Vice Chair; Candelaria Reardon, Crooks, Niezgodski, Reske, Stemler.

Republicans: T. Harris, Ranking Minority Member; Borrer, Buck, Dermody, Hinkle.

**Technology, Research and Development**

Democrats: Reske, Chair; Crooks, Vice Chair; Austin, Hoy, Micon, Orentlicher, Pierce.

Republicans: Murphy, Ranking Minority Member; Behning, Knollman, Koch, Soliday.

**Veterans Affairs and Public Safety**

Democrats: Tincher, Chair; Herrell, Vice Chair; Avery, Bischoff, Goodin, Reske, Summers.

Republicans: Ruppel, Ranking Minority Member; Crouch, Dodge, Murphy, Wolkins.

**Ways and Means**

Democrats: Crawford, Chair; Kuzman, Vice Chair; Cochran, Chair of Budget Subcommittee; Avery, Vice Chair of Budget Subcommittee; Klinker, Chair of Higher Education Subcommittee; Welch, Chair of Medicaid and Health Subcommittee; Goodin, Chair of K-12 Subcommittee; Battles, Day, Herrell, Kersey, Mays, Moses, Stemler, Tyler.

Republicans: Espich, Ranking Minority Member; Borrer, Buell, Cherry, Davis, Leonard, McClain, Pond, Thompson, Turner.

The Speaker announced the appointment of the Statutory Committee on Ethics, the Statutory Committee on Interstate and International Cooperation, and the Committee on Joint Rules:

**Statutory Committee on Ethics**

Democrats: Kersey, Chair; E. Harris, Vice Chair; Stilwell.

Republicans: T. Brown, Ranking Minority Member; Frizzell, Koch.

**Statutory Committee on Interstate and International Cooperation**

Democrats: E. Harris, Chair; Dobis, Vice Chair; Avery,

C. Brown, Cheney, Grubb, Stevenson.

Republicans: Dodge, Ranking Minority Member; Borders, Dermody, Duncan, McClain.

#### **Committee on Joint Rules**

Democrats: Speaker Bauer (ex officio), Pelath, Stilwell.

Republicans: Bosma, Whetstone.

### **INTRODUCTION OF BILLS**

The following bills were read a first time by title and referred to the respective committees:

#### **HB 1011 — Koch**

Committee on Interstate and International Cooperation

A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

#### **HB 1012 — Koch**

Committee on Roads and Transportation

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

#### **HB 1013 — Pond**

Committee on Family, Children and Human Affairs

A BILL FOR AN ACT to amend the Indiana Code concerning education.

#### **HB 1014 — Pond**

Committee on Family, Children and Human Affairs

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

#### **HB 1015 — Pond**

Committee on Judiciary

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

#### **HB 1016 — Withdrawn pursuant to House Rule 111**

#### **HB 1017 — Pelath**

Committee on Environmental Affairs

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law and to make an appropriation.

#### **HB 1018 — Duncan**

Committee on Local Government

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

#### **HB 1019 — Duncan, Summers**

Committee on Judiciary

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

#### **HB 1020 — Torr, Welch**

Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

#### **HB 1021 — Torr**

Committee on Labor and Employment

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

#### **HB 1022 — Torr**

Committee on Courts and Criminal Code

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

#### **HB 1023 — Torr**

Committee on Labor and Employment

A BILL FOR AN ACT to amend the Indiana Code concerning education.

#### **HB 1024 — Torr**

Committee on Labor and Employment

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

#### **HB 1025 — Torr**

Committee on Insurance

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

#### **HB 1026 — Duncan**

Committee on Judiciary

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

#### **HB 1027 — Day, Micon**

Committee on Labor and Employment

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

#### **HB 1028 — Day**

Committee on Elections and Apportionment

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

#### **HB 1029 — Hoy**

Committee on Education

A BILL FOR AN ACT to amend the Indiana Code concerning education finance.

#### **HB 1030 — Hoy**

Committee on Public Policy

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

#### **HB 1031 — Hoy**

Committee on Public Policy

A BILL FOR AN ACT to amend the Indiana Code concerning health.

#### **HB 1032 — Hoy**

Committee on Labor and Employment

A BILL FOR AN ACT to amend the Indiana Code concerning civil law and procedure.

#### **HB 1033 — Hoy**

Committee on Technology, Research and Development

A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

#### **HB 1034 — Grubb, Thomas, Pflum, T. Brown**

Committee on Natural Resources

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration and to make an appropriation.

#### **HB 1035 — Walorski**

Committee on Public Health

A BILL FOR AN ACT to repeal a provision of the Indiana Code concerning health.

#### **HB 1036 — Kersey**

Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

**HB 1037 — Micon**

Committee on Commerce, Energy and Utilities

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

**HB 1038 — Tyler**

Committee on Courts and Criminal Code

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

**HB 1039 — Tyler**

Committee on Labor and Employment

A BILL FOR AN ACT concerning pensions.

**HB 1040 — Withdrawn pursuant to House Rule 111****HB 1041 — Koch**

Committee on Courts and Criminal Code

A BILL FOR AN ACT to amend the Indiana Code concerning trade regulation.

**HB 1042 — Orentlicher**

Committee on Veterans Affairs and Public Safety

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

**HB 1043 — Cheney**

Committee on Rules and Legislative Procedures

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

**HB 1044 — Cheney, Reske**

Committee on Roads and Transportation

A BILL FOR AN ACT to amend the Indiana Code concerning veterans and to make an appropriation.

**HB 1045 — Dickinson**

Committee on Government and Regulatory Reform

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

**HB 1046 — Dickinson**

Committee on Technology, Research and Development

A BILL FOR AN ACT to amend the Indiana Code concerning trade regulation.

**HB 1047 — Dickinson**

Committee on Labor and Employment

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

**HB 1048 — Bischoff**

Committee on Roads and Transportation

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

**HB 1049 — Crooks**

Committee on Commerce, Energy and Utilities

A BILL FOR AN ACT to amend the Indiana Code concerning trade regulation.

**HB 1050 — Crooks**

Committee on Commerce, Energy and Utilities

A BILL FOR AN ACT concerning elections.

**HB 1051 — Crooks**

Committee on Roads and Transportation

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

**HB 1052 — Crooks**

Committee on Courts and Criminal Code

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

**HB 1053 — Crawford, Foley**

Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

**HB 1054 — L. Lawson, Foley**

Committee on Rules and Legislative Procedures

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

**HB 1055 — Robertson**

Committee on Education

A BILL FOR AN ACT to amend the Indiana Code concerning education.

**HB 1056 — Kuzman**

Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

**HB 1057 — Battles**

Committee on Natural Resources

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

**HB 1058 — Bischoff**

Committee on Veterans Affairs and Public Safety

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

**HB 1059 — Kersey**

Committee on Education

A BILL FOR AN ACT to amend the Indiana Code concerning education.

**HB 1060 — Avery, Neese, Herrell**

Committee on Labor and Employment

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

**HB 1061 — Koch**

Committee on Roads and Transportation

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

**HB 1062 — Micon**

Committee on Rules and Legislative Procedures

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

**HB 1063 — Micon**

Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

**HB 1064 — Micon**

Committee on Labor and Employment

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

**HB 1065 — Micon, Grubb**

Committee on Natural Resources

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

**HB 1066 — Crooks**

Committee on Natural Resources

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

**HB 1067 — Crooks**

Committee on Rules and Legislative Procedures

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

**HB 1068 — Koch**

Committee on Commerce, Energy and Utilities

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

**HB 1069 — Koch**

Committee on Small Business and Economic Development

A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

**HB 1070 — Crooks**

Committee on Courts and Criminal Code

A BILL FOR AN ACT to amend the Indiana Code concerning civil rights.

**HB 1071 — Battles, Stilwell**

Committee on Commerce, Energy and Utilities

A BILL FOR AN ACT concerning elections.

**HB 1072 — Pond**

Committee on Local Government

A BILL FOR AN ACT to amend the Indiana Code concerning education.

**HB 1073 — Bardon, Burton, Grubb**

Committee on Financial Institutions

A BILL FOR AN ACT to amend the Indiana Code concerning financial institutions.

**HB 1074 — Day, Murphy**

Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

**HB 1075 — Day, Murphy**

Committee on Family, Children and Human Affairs

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

**HB 1076 — Day, Buell**

Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

**HB 1077 — Tincher**

Committee on Veterans Affairs and Public Safety

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

**HB 1078 — Tincher**

Committee on Veterans Affairs and Public Safety

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

**HB 1079 — Tincher**

Committee on Natural Resources

A BILL FOR AN ACT concerning natural and cultural resources.

**HB 1080 — Tincher**

Committee on Courts and Criminal Code

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

**HB 1081 — Tincher**

Committee on Government and Regulatory Reform

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

**HB 1082 — Micon**

Committee on Financial Institutions

A BILL FOR AN ACT to amend the Indiana Code concerning trade regulation.

**HB 1083 — Orentlicher**

Committee on Small Business and Economic Development

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

**HB 1084 — Kuzman, VanHaaften, Behning, Foley**

Committee on Public Policy

A BILL FOR AN ACT to amend the Indiana Code concerning general provisions.

**HB 1085 — Kuzman**

Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

**HB 1086 — Bischoff**

Committee on Interstate and International Cooperation

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

**HB 1087 — Kersey**

Committee on Natural Resources

A BILL FOR AN ACT concerning natural and cultural resources.

**HB 1088 — Kersey**

Committee on Labor and Employment

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

**HB 1089 — Orentlicher**

Committee on Public Policy

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

**HB 1090 — Orentlicher**

Committee on Public Policy

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

**HB 1092 — Avery**

Committee on Small Business and Economic Development

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

**HB 1093 — Avery**

Committee on Elections and Apportionment

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

**HB 1094 — Avery**

Committee on Elections and Apportionment

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

**HB 1095** — Tyler  
Committee on Elections and Apportionment  
A BILL FOR AN ACT to amend the Indiana Code concerning elections.

**HB 1096** — Tyler  
Committee on Public Health  
A BILL FOR AN ACT to amend the Indiana Code concerning health.

**HB 1098** — Buell  
Committee on Rules and Legislative Procedures  
A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

**HB 1099** — Kersey  
Committee on Ways and Means  
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

**HB 1100** — Kersey  
Committee on Labor and Employment  
A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

**HB 1101** — Micon  
Committee on Natural Resources  
A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

**HB 1102** — Koch  
Committee on Rules and Legislative Procedures  
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

**HB 1103** — Candelaria Reardon  
Committee on Courts and Criminal Code  
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

**HB 1104** — Hinkle  
Committee on Rules and Legislative Procedures  
A BILL FOR AN ACT to amend the Indiana Code concerning local government.

**HB 1105** — Frizzell  
Committee on Local Government  
A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

**HB 1106** — Frizzell  
Committee on Rules and Legislative Procedures  
A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

**HB 1107** — Frizzell  
Committee on Family, Children and Human Affairs  
A BILL FOR AN ACT to amend the Indiana Code concerning human services.

**HB 1108** — Frizzell  
Committee on Public Health  
A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

**HB 1109** — Frizzell  
Committee on Elections and Apportionment  
A BILL FOR AN ACT to amend the Indiana Code concerning education.

**HB 1110** — Tincher, Kersey  
Committee on Rules and Legislative Procedures  
A BILL FOR AN ACT concerning utilities and transportation.

**HB 1111** — Tincher  
Committee on Judiciary  
A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

**HB 1112** — Cheney  
Committee on Labor and Employment  
A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

**HB 1113** — Duncan  
Committee on Education  
A BILL FOR AN ACT to amend the Indiana Code concerning education.

**HB 1114** — Duncan  
Committee on Labor and Employment  
A BILL FOR AN ACT to amend the Indiana Code concerning education.

**HB 1115** — Duncan  
Committee on Agriculture and Rural Development  
A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and animals.

**HB 1116** — Duncan  
Committee on Education  
A BILL FOR AN ACT to amend the Indiana Code concerning education.

**HB 1117** — Denbo  
Committee on Roads and Transportation  
A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

**HB 1118** — Denbo  
Committee on Rules and Legislative Procedures  
A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

**HB 1119** — Cheney  
Committee on Ways and Means  
A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

**HB 1120** — Lehe  
Committee on Education  
A BILL FOR AN ACT to amend the Indiana Code concerning education.

**HB 1121** — Lehe  
Committee on Rules and Legislative Procedures  
A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and animals.

**HB 1122** — Lehe  
Committee on Commerce, Energy and Utilities  
A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

**HB 1123** — Cherry  
Committee on Interstate and International Cooperation  
A BILL FOR AN ACT to amend the Indiana Code concerning trade regulation.

**HB 1124** — Cherry, Burton

Committee on Financial Institutions

A BILL FOR AN ACT to amend the Indiana Code concerning trade regulation.

**HB 1125** — Day

Committee on Courts and Criminal Code

A BILL FOR AN ACT to amend the Indiana Code concerning trade regulation.

**HB 1126** — Stilwell, Kuzman

Committee on Government and Regulatory Reform

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

**HB 1127** — Stilwell, Oxley

Committee on Insurance

A BILL FOR AN ACT to amend the Indiana Code concerning health.

**HB 1128** — Stilwell

Committee on Courts and Criminal Code

A BILL FOR AN ACT to amend the Indiana Code concerning corrections.

**HB 1129** — Stilwell

Committee on Government and Regulatory Reform

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

**HB 1130** — Tyler

Committee on Rules and Legislative Procedures

A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

**HB 1131** — Tyler

Committee on Local Government

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

**HB 1132** — Tyler

Committee on Labor and Employment

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

**HB 1133** — Tyler

Committee on Labor and Employment

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

**HB 1134** — Cherry

Committee on Rules and Legislative Procedures

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

**HB 1135** — Tyler

Committee on Elections and Apportionment

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

**HB 1136** — Niezgodski, Dermody, Grubb

Committee on Local Government

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

**HB 1137** — Herrell, Ulmer

Committee on Courts and Criminal Code

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

**HB 1139** — Herrell, Wolkins

Committee on Local Government

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

**HB 1141** — Hinkle

Committee on Courts and Criminal Code

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

**HB 1142** — Hinkle

Committee on Family, Children and Human Affairs

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

**HB 1143** — Hinkle

Committee on Courts and Criminal Code

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

**HB 1144** — Burton

Committee on Rules and Legislative Procedures

A BILL FOR AN ACT concerning motor vehicles.

**INTRODUCTION OF JOINT RESOLUTIONS**

The following joint resolutions were read a first time by title and referred to the respective committees:

**HJR 1** — Grubb, Richardson

Committee on Rules and Legislative Procedures

A JOINT RESOLUTION proposing an amendment to Article 6, Section 2 of the Indiana Constitution concerning elections.

*Be it resolved by the General Assembly of the State of Indiana:*

SECTION 1. The following amendment to the Constitution of the State of Indiana is proposed and agreed to by this, the One Hundred Fifteenth General Assembly of the State of Indiana, and is referred to the next General Assembly for reconsideration and agreement.

SECTION 2. ARTICLE 6, SECTION 2 OF THE CONSTITUTION OF THE STATE OF INDIANA IS AMENDED TO READ AS FOLLOWS: Section 2. (a) There shall be elected, in each county by the voters thereof, at the time of holding general elections, a Clerk of the Circuit Court, Auditor, Recorder, Treasurer, Sheriff, Coroner, and Surveyor, who shall, severally, hold their offices for four years.

(b) The General Assembly may provide by law for uniform dates for beginning the terms of the county officials listed in subsection (a). If the General Assembly enacts a law to provide a uniform date for beginning the terms of a county official listed in subsection (a), the General Assembly may provide that the term of each county official initially elected after enactment of the law to provide the uniform date for beginning the terms of the county official is for less than four years in order to establish a uniform schedule of dates for the beginning of terms for the office. However, after the initial election for each office, the term for that office shall be for four years.

(c) No person shall be eligible to the office of ~~Clerk, Auditor, Recorder, Treasurer,~~ Sheriff or Coroner more than eight years in any period of twelve years.

**HJR 2** — Micon

Committee on Rules and Legislative Procedures

A JOINT RESOLUTION proposing an amendment to Article 8 of the Indiana Constitution concerning education.

*Be it resolved by the General Assembly of the State of Indiana:*

SECTION 1. The following amendment to the Constitution of the State of Indiana is proposed and agreed to by this, the One Hundred Fifteenth General Assembly of the State of Indiana, and is referred to the next General Assembly for reconsideration and agreement.

SECTION 2. ARTICLE 8, SECTION 1 OF THE CONSTITUTION OF THE STATE OF INDIANA IS AMENDED TO READ AS FOLLOWS: Section 1. Knowledge and learning, generally diffused throughout a community, being essential to the preservation of a free government; it shall be the duty of the General Assembly to encourage, by all suitable means, moral, intellectual, scientific, and agricultural improvement; and to provide, by law, for a general and uniform system of Common Schools, wherein tuition shall be without charge, and equally open to all. **The General Assembly shall provide by law that textbooks be provided to all students in public schools without charge.**

### HJR 3 — Hinkle

Committee on Rules and Legislative Procedures

A JOINT RESOLUTION proposing an amendment to Article 4 of the Indiana Constitution concerning the general assembly.

*Be it resolved by the General Assembly of the State of Indiana:*

SECTION 1. The following amendment to the Constitution of the State of Indiana is proposed and agreed to by this, the One Hundred Fifteenth General Assembly of the State of Indiana, and is referred to the next General Assembly for reconsideration and agreement.

SECTION 2. ARTICLE 4, SECTION 3 OF THE CONSTITUTION OF THE STATE OF INDIANA IS AMENDED TO READ AS FOLLOWS: Section 3. ~~Senators~~ (a) **Subject to subsection (c):**

(1) **a Senator** shall be elected for ~~the~~ a term of four years; and ~~Representatives~~

(2) **a Representative** shall be elected for ~~the~~ a term of two years;

from the day next after ~~their~~ the Senator's or Representative's general election.

(b) One half of the Senators, as nearly as possible, shall be elected biennially.

(c) **The sum of:**

(1) **the number of years an individual serves as a Senator; and**

(2) **the number of years an individual serves as a Representative;**

**may not be greater than twenty-four years. The number of years that an individual has served as a Senator or as a Representative before January 1, 2011, may not be considered in determining whether the limitation of this subsection applies to the individual.**

### HJR 4 — Hinkle

Committee on Rules and Legislative Procedures

A JOINT RESOLUTION proposing an amendment to Articles 6 and 15 of the Indiana Constitution concerning local government.

*Be it resolved by the General Assembly of the State of Indiana:*

SECTION 1. The following amendment to the Constitution of the State of Indiana is proposed and agreed to by this, the One Hundred Fifteenth General Assembly of the State of Indiana, and is referred to the next General Assembly for reconsideration and agreement.

SECTION 2. ARTICLE 6, SECTION 3 OF THE CONSTITUTION OF THE STATE OF INDIANA IS AMENDED TO READ AS FOLLOWS: Section 3. (a) Such

other county and township officers as may be necessary, shall be elected, or appointed, in such manner as may be prescribed by law.

(b) **Notwithstanding Section 2 or Section 4 of this Article, the legislative body of a county may do any of the following as provided by law:**

(1) **Consolidate any of the offices established for the county in Section 2 of this Article.**

(2) **Eliminate any of the offices established for the county in Section 2 of this Article.**

(3) **Prescribe additional qualifications for any of the offices established for the county in Section 2 of this Article.**

SECTION 3. ARTICLE 15, SECTION 7 OF THE CONSTITUTION OF THE STATE OF INDIANA IS AMENDED TO READ AS FOLLOWS: Section 7. ~~No~~ (a) **The area of a county shall may not be reduced to an area less than four hundred (400) square miles. nor shall any** The area of a county ~~under that~~ whose area is less than four hundred (400) square miles may not be further reduced.

(b) **The General Assembly may provide by law for two (2) or more counties to consolidate into one (1) county. Notwithstanding subsection (a), two (2) or more counties may consolidate into one (1) county even if the area of the consolidated county is less than four hundred (400) square miles.**

### HJR 5 — Frizzell

Committee on Rules and Legislative Procedures

A JOINT RESOLUTION proposing an amendment to Articles 4 and 5 of the Indiana Constitution concerning the general assembly.

*Be it resolved by the General Assembly of the State of Indiana:*

SECTION 1. The following amendments to the Constitution of the State of Indiana are proposed and agreed to by this, the One Hundred Fifteenth General Assembly of the State of Indiana, and are referred to the next General Assembly for reconsideration and agreement.

SECTION 2. ARTICLE 4, SECTION 25 OF THE CONSTITUTION OF THE STATE OF INDIANA IS AMENDED TO READ AS FOLLOWS: Section 25. (a) **Except as provided in subsection (b),** a majority of all the members elected to each House shall be necessary to pass every bill or joint resolution. ~~and~~ All bills and joint resolutions ~~so~~ passed **under this subsection or subsection (b)** shall be signed by the Presiding Officers of the respective Houses.

(b) **A bill that increases state tax rates or establishes a new state tax may not become law unless:**

(1) **at least two-thirds of the members elected to each House:**

(A) **declare that an emergency exists; and**

(B) **vote to approve the bill; or**

(2) **a majority of the persons voting in a statewide referendum approve the tax increase or new tax.**

SECTION 3. ARTICLE 5, SECTION 14 OF THE CONSTITUTION OF THE STATE OF INDIANA IS AMENDED TO READ AS FOLLOWS: Section 14. (a) Every bill which shall have passed the General Assembly shall be presented to the Governor. The Governor shall have seven days after the day of presentment to act upon such bill as follows:

(1) He may sign it, in which event it shall become a law.

(2) He may veto it:

(A) In the event of a veto while the General Assembly is in session, he shall return such bill, with his objections, within seven days of presentment, to the House in which it originated. If the Governor does not return the bill within seven days of presentment, the bill becomes a law



notwithstanding the veto.

(B) If the Governor returns the bill under clause (A), the House in which the bill originated shall enter the Governor's objections at large upon its journals and proceed to reconsider and vote upon whether to approve the bill. The bill must be reconsidered and voted upon within the time set out in clause (C). If, after such reconsideration and vote, a majority of all the members elected to that House shall approve the bill, it shall be sent, with the Governor's objections, to the other House, by which it shall likewise be reconsidered and voted upon, and, if approved by a majority of all the members elected to that House, it shall be a law.

(C) If the Governor returns the bill under clause (A), the General Assembly shall reconsider and vote upon the approval of the bill before the final adjournment of the next regular session of the General Assembly that follows the regular or special session in which the bill was originally passed. If the House in which the bill originated does not approve the bill under clause (B), the other House is not required to reconsider and vote upon the approval of the bill. If, after voting, either House fails to approve the bill within this time, the veto is sustained.

(D) In the event of a veto after final adjournment of a session of the General Assembly, such bill shall be returned by the Governor to the House in which it originated on the first day that the General Assembly is in session after such adjournment, which House shall proceed in the same manner as with a bill vetoed before adjournment. The bill must be reconsidered and voted upon within the time set out in clause (C). If such bill is not so returned, it shall be a law notwithstanding such veto.

(3) He may refuse to sign or veto such bill in which event it shall become a law without his signature on the eighth day after presentment to the Governor.

(b) Every bill presented to the Governor which is signed by him or on which he fails to act within said seven days after presentment shall be filed with the Secretary of State within ten days of presentment. The failure to so file shall not prevent such a bill from becoming a law.

(c) In the event a bill is passed over the Governor's veto, such bill shall be filed with the Secretary of State without further presentment to the Governor, provided that, in the event of such passage over the Governor's veto in the next succeeding General Assembly, the passage shall be deemed to have been the action of the General Assembly which initially passed such bill.

**(d) Notwithstanding subsection (a), a bill that increases state tax rates or establishes a new state tax does not become law over the veto of the Governor unless two-thirds of the members elected to each House approve the bill after reconsideration.**

## OTHER BUSINESS ON THE SPEAKER'S TABLE

### CERTIFICATION OF RECOUNT RESULTS FOR INDIANA HOUSE DISTRICT 97

#### THE INDIANA STATE RECOUNT COMMISSION

*Whereas, The Indiana Recount Commission, on December 15, 2006, completed the recount previously granted in Indiana House District 97 on November 20, 2006, under Order 2006-11; and*

*Whereas, Indiana Code 3-12-11-18(a) requires that upon completion of a recount, the Commission:*

*(1) make and sign a certificate showing the total number of votes received in the precincts by each candidate for election to office;*

*(2) state in its certificate the candidate who received the highest number of votes in the precincts for election to the office, and by what plurality; and*

*(3) file its certificate with the Election Division of the Office of the Secretary of State: Therefore,*

*The Indiana State Recount Commission  
certifies the following:*

(1) The recount of the votes cast for the office of State Representative in House District 97 at the November 7, 2006 general election, ordered by the Commission on November 29, 2006, was completed by the Commission on December 15, 2006.

(2) The total number of votes cast for Edmund Mahern in the precincts within House District 97 was 4, 446.

(3) The total number of votes cast for Jon Elrod in the precincts within House District 97 was 4, 454.

(4) The candidate who received the highest number of votes for election as State Representative, House District 97, was Jon Elrod, whose plurality was 8 votes.

(5) The Tally of Ballots submitted to the Commission by the State Board of Accounts setting forth the votes cast for both candidates in each precinct in this district is attached hereto and incorporated by reference in this Certification.

Dated this 20th day of December, 2006

THE INDIANA STATE RECOUNT COMMISSION

Todd Rokita, Chair

Gordon Durnil, Member

Edward O. DeLaney, Member

## RESOLUTIONS ON FIRST READING

### House Resolution 2

Representatives Stilwell and Bosma introduced House Resolution 2:

A HOUSE RESOLUTION to confirm the election of Representative Elrod.

*Whereas, The State Recount Commission, the Election Division of the Office of the Secretary of State, certified the recount result for House District 97: Therefore,*

*Be it resolved by the House of Representatives  
of the General Assembly of the State of Indiana:*

SECTION 1. That Representative Elrod is qualified, duly elected, and entitled to serve as a member of the 115th General Assembly.

The resolution was read a first time and adopted by voice vote.

## OTHER BUSINESS ON THE SPEAKER'S TABLE

On the motion of Representative Cheatham, the House adjourned at 1:40 p.m., this eighth day of January, 2007, until Tuesday, January 9, 2007, at 1:00 p.m.

B. PATRICK BAUER

Speaker of the House of Representatives

CLINTON McKAY

Principal Clerk of the House of Representatives